

Practiti ner's Docket N . <u>NEB-135-C</u>

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wayne, et al.

Application No.: 09 / 664,186 G

Filed: September 18, 2000

Group No.: 1636 Examiner: W. Sandals

For: Method For Construction of Thermus-E. coli Shuttle Vectors And

Identification Of Two Thermus Plasmid Replication Origins

Assistant Commissioner for Patents Washington, D.C. 20231

RECEIVED

NOV 1 4 2002

AMENDMENT TRANSMITTAL

TECH CENTER 1600/2900

1. Transmitted herewith is an amendment for this application.

# **STATUS**

2.	Applicant is							
	$\square$	a s	mall entity. A statement:					
			is attached.					
		X	was already filed.					
		oth	er than a small entity.					
			(When using Express Mail, the	R 37 C.F.R. §§ 1.8(a) and 1.10* Express Mail label number is mandatory; certification is optional.)				
he	ereby cer	tify th	at, on the date shown below, thi	s correspondence is being:				
				MAILING				
Ø	deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231							
		37	' C.F.R. § 1.8(a)	37 C.F.R. § 1.10 *				
K)	with suff	ficient	t postage as first class mail.	☐ as "Express Mail Post Office to Addresse	e"			
				Mailing Label No	(mandatory)			
			TRA	ANSMISSION				
]	facsimile transmitted to the Patent and Trademark Office, (703)							
Dat	te: <u>///</u>	5/0	22	Signature  Melissa A. Jackson				
				(type or print name of person certifying)				

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment Transmittal [9-19]—page 1 of 4)

#### **EXTENSION OF TERM**

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

- NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.
- NOTE: 37 C.F.R. § 1.704(b) ". . .an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection. argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.702 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."
- 3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a) Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension	Fee for other than	Fee for		
(months)	small entity	small entity		
☐ one month	\$ 110.00	\$ 55.00		
	\$ 400.00	\$ 200.00		
☐ three months	\$ 920.00	\$ 460.00		
☐ four months	\$ 1,440.00	\$ 720.00		

Fee: \$ 200.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

	An extension for	month	ns has a	already b	been sed	cured. Th	ne fee
	paid therefor of \$	is deducted	from the	he total	fee due	e for the	tota
	months of extension now req	uested.					
	Extension 1	fee due with	this red	auest	\$		

OR

(b) Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]—page 2 of 4)

# **FEE FOR CLAIMS**

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## **FEE DEFICIENCY**

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

		AND/OR
		No. <u>14-0740</u>
6.	X	If any additional extension and/or fee is required, charge Account

If any additional fee for claims is required, charge Account

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Tel. No.: (978 ) 927-5054 X:373

No. <u>14</u>-0740

Customer No.: 28986

SIGNATURE OF PRACTITIONER

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(Amendment Transmittal [9-19]—page 4 of 4)